

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TD AMERITRADE, INC.,

Petitioner,

- against -

EDWARD W. KELLEY,

Respondent.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-23-16

15 Civ. 714 (PAC) (FM)

MEMORANDUM & ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

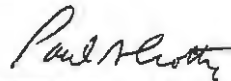
On February 5, 2016, Magistrate Judge Frank Maas issued a Report and Recommendation (R&R) that the Court deny without prejudice petitioner's motion to vacate an arbitral award (Dkt. 24) and respondent's cross-motion for a fairness hearing (Dkt. 33) pending resolution of a motion for reconsideration filed by petitioner in a nearly identical case before U.S. District Judge Neil V. Wake in the District of Arizona, *Haviland v. TD Ameritrade Incorporated*, No. CV-15-00611-PHX-NVW. On February 12, 2016, Judge Wake granted the pending motion for reconsideration (Dkt. 43, Exh. A), and petitioner thereafter objected to the R&R, arguing that Judge Wake's order had rendered the R&R moot (Dkt. 43).

As Magistrate Judge Maas anticipated, further briefing will be required in light of Judge Wake's decision. Accordingly, the Court vacates the R&R dated February 5, 2016, and returns the matter to Magistrate Judge Maas for further proceedings, including such briefing as he may direct.

The Clerk of Court is directed to terminate the pending motions at Docket Nos. 24 and 33 to be reinstated when new briefing is filed in accordance with Magistrate Judge Maas's direction.

Dated: New York, New York
February 23, 2016

SO ORDERED



PAUL A. CROTTY
United States District Judge